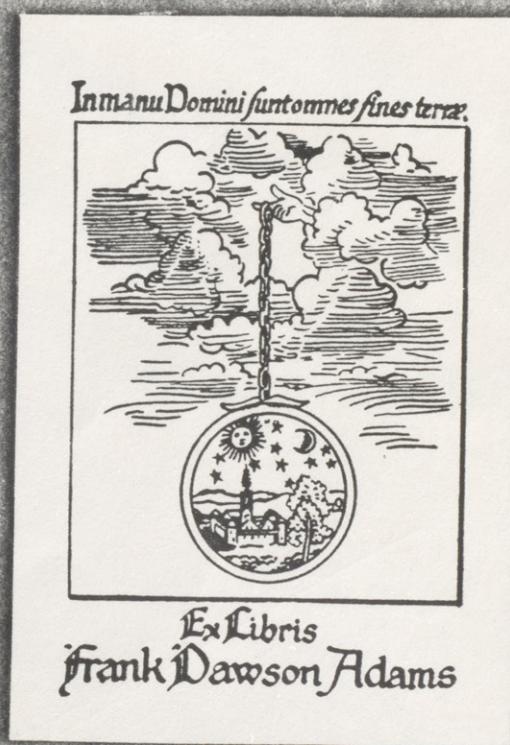


This is a translation for  
portion of the Judicium Tonis (6  
Nairi)



This book tells of a trial conducted by Jupiters in the Vale of Beauty, to which a mortal man was brought by Earth for digging into Mt. Niveus, and many other mountains and arraigned on no less a charge than parricide.

As a token of respect to one who well deserves it, Paulus Niavis, Master of Arts, sends warmest greetings to his master, Steffanus Hulden, a common man of Murckau.

A kinsman of mine Rupertus Horennau de Gossengron on returning home from the University brought me back news of a strange rumour that had arisen concerning a certain hermit. This hermit inhabits a cell in the grove which derives its name from Bohemia, located near the town of Lichtenstat in a district which contains rugged mountains and a wasteland that defies the imagination. This latter wasteland is where the Shrine of St. Albert is to be found, to which men are as wont to make pilgrimages today as they were in years gone by. Now the hermit ought to have seen the things that I have set down in writing in this booklet.

The story was originally written in the plain language of the common people and given to the said Rupertus for translation into Latin. Although this young man was advanced, he could not obtain his degree of Bachelor in Arts, because this thesis deals with subject matter that is rare and almost unheard of. Untutored people, however, as you know, expect a man who has taken a degree to know everything, and so to prevent giving such people any chance

to drop him from their favour, Rupertus came to me and asked me with all the words he knew how to employ to publicize this accompanying vision, or failing that to give it back to him translated in Latin. He wanted to fulfil the promise which he had made at home. Although for a long time I resisted, alleging that the task far exceeded my capabilities, I did at length suffer myself to be prevailed upon and ~~it~~ rendered it into Latin. What moved me from my former decision was the fact that the vision contains speeches composed in the style of the lawcourt which are most helpful to students of literature.

One of these speeches is delivered by Mercury himself against Man accusing him in no uncertain words of harassing and distressing Earth, his own mother. You will find another speech made in reply by Man in which he not only sets forth strong reasons for being excused but points that he has been accused not on any just grounds or for any honest cause, but simply as a result of hatred and envy.

Then indeed I thought that the opposing speeches of Bacchus, Pluto and others, as they drag Man into a public brawl would bring pleasure to the readers, because they treat of matters that concern us and they tell of those operations which are carried on in the mountains whereby metal, both gold and silver is sought. And special prominence is given to that mountain in which your lordship resides for the most part.

But if its subject matter on account of its antiquity is obscure and known to few, I have caught something of the humour of the piece and this very frequently dispels the fatigue

and boredom that comes when one's mind is wearied by serious affairs and it refreshes, relieves and consoles one. Why that which takes place in our districts and those regions in which we spend our lives would not be likely to bring pleasure when put in writing I fail to see. Therefore ~~when~~ since Mt. Niveus and the other surrounding mountains in which several mining operations have been performed are known to your lordship, you will easily be able to judge whether this theme is of any benefit to students of literature and also whether it is pure fabrication or whether some credence ought to be shown him who in the manner of a poet brought these things to light. Nor do I think that there is any other man with keener ability for ~~for~~ deciding this than you, for you are the wisest and the finest man in the mountains. Therefore I beg of you in the name of your humanity to take on this task with generous heart. If in addition you are able to snatch some intellectual pleasure I shall be glad indeed. But if not you will none the less see what affection I have for you, how highly I have valued you in the past and how highly I still value. Health and happiness be yours.

The extraordinary vision of the hermit who dwells in a cell in a grove near Lichtenstat, the site of St. Albert's Shrine. Having strayed from his way he beheld the court of Jupiter before which a man had been brought and accused of parricide.

As the huge Nemus with clear waters pours on toward Lichtenstat, it embraces in its course hills, mountains and sloping valleys. Fountains, riverheads and springs lose themselves in it in great numbers. And there is one thing above all others that excites the wonder of those who see it and that is where one single mountain causes the water to turn aside into two rivers and follow separate courses into different districts. This is visible in that place which the common people call Cotenheid. To the right you could see the Molda which waters a large part of Misenna. To the left too not far away from Mvotau the river flows on into Bohemia, losing its name until it reaches the Egra. And not in one mountain only would you be able to see all this, but in several, especially those which chance to approach the height of the centre part of the grove. The Nemus of considerable width indeed is of even greater length encircling all Bohemia for which reason the woodland is called the Bohemian Forest. A Shrine has been built there which enjoys the protection of St. Albert. Although it is woody and age has not only rendered it uninhabitable but has almost destroyed it, nevertheless men visit it very often in accordance with an ancient custom.

In this place in a lonely cell, there dwelt a hermit. A very religious man he was, steeped in literature and poetry and he lived to an advanced old age spending as many years as he could in this one place. There was a crucifix of wood in a small cottage or hut about six or seven stades away to which

He used to go very often when moved by the desire for prayer. His prayers over he would linger for a while before finally taking his departure. Therefore in accordance with this custom of his, on the day following the festival of the apostles Philip and James about the year 1475 after the Immaculate Conception of our Saviour he made his way up to the aforementioned cottage and having said his prayers determined to rest. Steeped in perspiration and somewhat weak, he thought that he would profit by the sun's rays and recover a little strength by having a sleep. For facing the setting sun there is a fairly large level piece of ground, a sort of grassy plain where different kinds of flowers grow and scent the district around. Among other flowers that grace it is the Lily of the Valley, a most attractive flower, which men call the woodland's glory. To the east where the sun rises, the valley is most delightful and although it contains a goodly number of trees, nevertheless it is embellished by the different tones of green. Budding green-broom and pale violets the flowers' pride grow there blossoming rather early. The many sprouting trees add to rather than detract from the attractiveness. An oak tree stands there, a gift from heaven as it were, affording thick shade to the weary who are thankful for it and take advantage of it. It not only keeps the sun off by the broad spread of its leaves, but it also is much safer than the other trees. and this is an outstanding excellence to those who seek rest beneath it. Why say more? The oak was dedicated and assigned in days of yore to Jove and its acorns sustained life in men. What a wealth of pine trees too - not only of one but of the two varieties. This is attested to by those who frequent this place or

who have at least seen these leafy grove. What delight the plane-tree and the wandering-plant and the clusters of weals bring to the eyes! The alder tree is there too and the hazel and the blackberry bush. The nightingale which as public gossip has it hatches her young with song does not cease either night or day singing its delicate song and filling the air with sweet-sounding notes. The fig-pecker is here too building its nest in the grass and seldom leaving the ground. The parices canapegeceis, and the thistledfinch sing in the tree branches, gracing the summer season. The turtle dove is there cooing to his mate and the wood-pigeon sighs there in the elm, filling our ears with sweet sounds.

There the brother sat down upon the ground leaning his body upon a pillow of earth and began to sleep. On awaking he thrilled to the mild air which during the days of May is more delightful than at any time during the whole year. When he had enjoyed this pleasant atmosphere long enough he arose and set out on his way home. After walking for a distance he turned from the road and lost his way (I believe indeed that the fates had some hand in it) entering a grove that was denser yet ~~the~~ and he entirely lost the road that he had set out upon. He had no traces of his own nor of any one else. And in fear and great impatience, he cried out in as loud a voice as he could to the gods above "O Highest God and Author of Nature, how may I escape from the depth of this desolate waste of which I have no knowledge." Howbeit as he wandered about he saw a mountain of immense height and this he climbed. He looked around on all sides in the hope that he might be able to sight some place either trees or rocks which would help him

to find his present location. At length he spottet the shrine of blessed Peter in Cotenheis which he took to be the hut of pitch-makers or built by ash-makers as a place to sleep. He decided to hasten toward it. Therefore he descended from the mountain and came to another which he climbed. And near the bank of the Silver River (for thus is it named after the Silver found therein) when he cast his eyes into the valley he saw a round green hill encircled by cliffs of great size. When indeed he drew closer and looked more carefully he saw upon the summit a royal throne adorned with precious gems of gold and silver and on it a king mature in years with a face that was grave and distinguished-looking. His beard was of a hero's cut, his hair dark and from his whole appearance shone forth wisdom. Upon his head sat a crown of gold studded with precious metals. Pearls of all shapes and sizes gleamed forth and in front of it had been written "The Father helper of all." His raiment was purple and in his right hand he held a sceptre and in his left what appeared to be a star, so brightly did the round orb shine out. His feet rested upon a footstool made of Cedar, once considered the most precious wood. To his right the flowers of the balsam tree were in full and indeed abundant bloom. No flower in spring - I speak not of summer - is considered superior to these. In brief, they are among the finest flowers in all the world. A short distance away lilies dotted the ground here and there with their white blossoms and scented the air with their most fragrant odor. Close to his left there bloomed red roses, Jericho roses and roses even more elegant than these. The little mound

was surrounded by a marble wall three cubits high inlaid with ivory. It was made with wondrous skill and served two purposes acting at one and the same time as a separation and a mark of honour for his royal majesty. Tapestries hung from the walls gave them an added splendour. The king's servants and attendants were decked out so handsomely and so elegantly that in form and appearance they seemed more distinguished not only than any human but even than angels. The followers of Mohammed do not look for a Paradise so delightful as this place appeared. Four doors there were, wide open to all. On the first in letters of gold was inscribed "Justice", on the second "Magnanimity" and "Virtue" on the third, while the fourth was called the gate of Jupiter.

The hermit was most amazed and eagerly entered on the chance that he might get a glimpse at the decorations or the business that was going on. He sat down silently in the long grass by Jupiter's gate in an attempt <sup>to</sup> conceal himself. He watched the king with increasing attention, longing most anxiously to see what the outcome of it all would be and then presently one of the train of attendants said :

"O Jupiter, whose thunderbolt and everlasting might doth fill the affairs of men and gods with fear, hearken, I beseech thee, to the voices of those who cry unto thee. Hearken to the lament of those who ask justice of thee. Otherwise wouldst thou lose the name of impartial judge."

Then Jupiter said, "Call unto me those who believe they have suffered injustice, so that we may learn the nature of the complaints of all these most innocent people."

Then the attendant in a loud voice cried out: "Let the complaining throng that stands without draw near to the sight of a more impartial judge. Here indeed an opinion will be given that will cause injury to no one. At these words a woman came forward, by name Earth, noble and freeborn, pallid of countenance, clothed in a green robe, with the walk of a person rather mature in years. Her eyes like a quaking fountain sent forth a flow of tears which streamed over her injured head. The clothing on her stomach was torn, and you could see that her body was pierced in many places. She was followed by Bacchus, Ceres, Nais, Minerva, Pluto and Charon and the Fauns as well as a great host of gods. Then these entered a mortal Man with his household gods in a company as advisers. And now we must give ear, for Mercury who has taken upon himself the role of Earth's advocate and lawyer, makes the following speech against Man.

The speech of Mercury delivered before Jupiter on Earth's behalf  
in which he assails man.

I bring before thee, Jupiter, an account of great sorrows  
and injury passing endurance and almost unbelievable injustice.  
When ~~you~~ thou takest closer notice, thou wilt not only see Earth  
injured, bloodstained, wounded and pierced, but thou wilt also  
behold thine advice treated as a plaything, the many gods held  
contempt, and almost every deity renounced. So great will thou  
perceive the rashness of humans to be that not only does thy  
great wisdom abhor it, but any man, even of ordinary stamp,  
is sick at the thought of it. This wrong before thee, ill-treated to  
men and finally driven to grief by all those by whom thou  
didst wish it to be honoured, has no one to call upon for help  
save thee. It therefore invokes thy most holy and excellent  
protection. It flees to thee and begs thy support. Thou dost  
behold before thee the Nurse of Man weeping — She who by her  
generosity always supplies those things which are needed for  
man's use and the sustenance of life. Thou seest too the  
sadness of Bacchus, and Ceres, how plainly troubled she is,  
and Naius Gondor, weeping and covering her face with an olive  
bough, and Pluto too and Charon and the Fauni, all  
very much upset.

As for me, that I may not exceed the bounds of  
moderation, thou surely seest how I have been deprived of  
what is in a way my right and prerogative. What indeed is more  
base, what more criminal, what more abominable than that  
men should spurn the gods and set at nought the worship of

everything Swine, persisting always in bold and wanton acts. This thou wilt perceive more clearly when he begins to set forth excuses as men foolishly do right up to their very last day.

Now Earth brings forth her produce every year and out of it nurtures and sustains all living things which assuredly exist and increase for the one purpose of man alone. But he is not content for all her goodness. He opens to view her inwards. Bores into and injures her Stomach and strikes against her very veins. Her entire body he mangles. All her strength in body and limb he undermines. But as mortals already know too well, in Sicily, Portugal, Arabia, in Althasis adjoining the Alps, in Bohemia men have begun to dig for metal and now, what is greatly to be feared, this has happened within the limits of Misenna in the very mountain which they call Mt. Nivius.

Thou mayst now see many pits not only where they chance to come across something useful, but even where they see no traces of metal whatsoever. Indeed they are so far inflamed with a love of silver that they are wont to undergo any danger, no matter how serious. They dig and toil and work by torchlight, resting neither day nor night. They shun Heaven's nurturing light to see darkness and squalor beneath the earth. First they are wont to dig what they call from its invention a pit. The depth of this pit is so great that it reaches to the place where rushing water stops all roots and prevents them from growing any further down. In its slopes they also dig several caves. One such cave they call the Aerculum after the air which by some superstitious trick they force to enter it.

Likewise the ~~dictobolus~~ is so named because it has a vital connection with the directing of things. The holes that have been dug into Earth's body they cover up with hubs which they call "Caven", I think indeed after the fashion of the Caucasus mountain where Prometheus bound to a rock pays <sup>his</sup> penalty for all time. And while they scheme thus they are not content with one mountain, but they also dig through those that are near and those in which they hitherto have found nothing and are not likely to find anything in future.

Accordingly . . .

and in that which derives its name from glass all the surrounding places are terrified. That very town which enjoys the reputation of being new quivers and manifests great fear. For you see men already are afraid that perhaps when those men have glutted their ~~savage~~ savagery in Mt. Niens they may direct their fury upon the town already mentioned. The inhabitants are in dread I say that something more serious than words can describe may be transferred upon it.

But what this host of gods, sharers in thy Divinity, are suffering I neglect to mention, do I also pass over thy devotion to the immortals. But each in his own place and on his own behalf will complain of his injuries or expound his sufferings. I shall only recount those afflictions which Men have brought upon Earth the mother and I would almost say sustainer of mortals. Jupiter, thou beholdest Earth, who by thy behest ought to be strong and steadfast

remaining always exceedingly firm and unshakable and always holding its place. But how can it remain immovable or solid when in different ways it is being drilled, pierced and rent in pieces so badly that not even the slightest portion of it remains unharmed. How great her injury is thy royal highness may realize when thou dost behold her from the top of the head to the sole of the foot rent with holes, and so besprinkled with gore that almost her entire body is covered and defiled with it. She possesses no grace, nor even the <sup>outward</sup> appearance of it. Her former aspect is changed. She has been reduced almost to nothing. She weeps in thy sight and by her tears invokes thee, most just of kings and highest god; she flees to thee beseeching thy help, asking thine aid, begging thy justice. She presents herself to thee battered and beaten by Man whom she neither wronged nor troubled. Now, O murderer, if thou hast any feeling for any one but thyself and thy leader, or if thou hast any love at all toward her who not only nurtures thee since boyhood and preserves thee in life, but even allows thee after death to enter once again the bosom from whence thou didst issue, behold now her suffering and the great grief with which she is afflicted. With the most cruel and bitter wounds has she been pierced. Dost ~~thou~~ not weep streams of tears? Dost ~~thou~~ not grieve? Dost ~~thou~~ not open <sup>thine</sup> heart? But no! Wounds more <sup>thine</sup> not. No sufferings excite thy pity. No feeling of kindness toward thy mother is to be seen in thee. Behold the cracks which thou hast made. Look at the blood that already issues from the body of the great mother. Gaze upon the

pale face of her who nourishes thee. If thou art thoroughly stubborn and nothing can stir thee to pity thou must be rendered less harsh by the fact that Earth, though harassed already by many injuries continues to provide and furnish us with the same fruits and necessaries of life as before.

Knowest thou not, I pray, what a great disgrace it is to harm not only those who do us a kindness, but those who are in very truth our parents and whom even the most slothful is bound by duty to worship and serve. Then on the other hand injurest thy mother and what is more base thou dost try to tear asunder and expose her, <sup>very</sup> inwards.

Jupiter. Do thou take notice what has been constituted in human law. He who slay a parent is not merely to be damned or cast into chains or thrown to the wild beasts, but he is to be bound in a sack with a dog, a snake, and an ape and thrown into a body of water in order that he may die thus an untimely death and that devoured in so narrow a death chamber he may terrify the rest of his fellows from committing so shameful a sin. If indeed thou dost recall to mind that which thou canst hardly forget namely that thou thyself didst advise the human race that after worships to the gods, respect for parents ranks next above all other things, because parents rear men and look after them in those details which pertain to their well-being and the necessities of life, thou wilt doubtless realize that Man has violated rights both human and divine and that he has devised his own special means for violating them. He thinks that there is no sin in what is really the

greatest of crimes.

So much, however, for that. What it avails men even if they do obtain their desires I cannot see. They seek for precious metals urged on by a desire for riches. With that as their strongest motive they collect treasures, the possession of which renders their life insecure. They are all the time preparing plots for their own heads. They subject themselves to danger. At no time are they free from care. At no time can they enjoy peace and quiet. By night they are in fear of thieves. They incite princes to cruelty and harshness and even treasure that has been hidden and buried in the earth is not safe, but is often discovered. This is affirmed by many. All this healthy individuals not only neglect as something steeped in poison, but they spurn and despise it as well. If men do derive any usefulness from it, it is only that it gives an opportunity to their love of outward show which tends to put an end to life rather than to sustain it.

Why, therefore, O man dost thou see for it in so dangerous an undertaking? What kind of a reward is there in that which is not needed, being of no use either to the body or the mind. For it looks to fortune; she holds sway in these matters, lavishing good things upon whomsoever she wants and taking them away from him who is not attended by luck and favour. There is no reason why thou shouldest toil so. There is no reason why thou shouldest be so raving mad and attempt things of this kind. This desire of thine is fraught with injuries and will lead to thy death. It makes steadfast folk womanish, soft and weak. Nor wast thou

born for the purpose of amassing wealth. Riches, as thou hast heard from thy highest and greatest god are to be avoided like brambles and thorns. This is proved for thee also by ancient life. Once upon a time he who wast adjudged the wisest of men by the oracle of Apollo threw a huge and heavy quantity of gold into the sea in order that he might apply himself to philosophy unhampered by such a fetter. The disciples of thy saviour were contented with the simple food and raiment that they possessed. No example from these men has come ~~down~~ to light which would justify thee in thy craving after wealth or thy sweating to amass treasures. If thou didst apply thine efforts so zealously to living a virtuous life and didst follow the example of men like Fabricius, Decius and Scipio, who would be happier than thee, or who in mortal station would come nearer to the divine.

But since this is how things are, Jupiter, may thou weigh them in thy most wise judgment and prevent any wrong-doing. May thou be moved by grief for the mother of men. May thou be moved by her tears, her wounds and the blood she has shed. Put a stop at last to the wanton insolence which transgresses and spurns and sets at nought laws both human and divine. Assume the protection of her whose guard can then hast been from the beginning and whom thou didst undertake to defend. Take upon thee the defence of her who has been afflicted with injuries beyond belief, bespattered with blood and held up to ridicule. Put a

stop to those idle labours. Do this in order that under the protection of thy justice we may acknowledge thy power to be unlimited by the passing of days. At last when thanks to thy great goodness and immeasurable and unbelievable wisdom, we have obtained our request, we may know that thou art the highest of all gods and the most just.

When this speech had been thus delivered with some show of keenness, the man conferred with the Penates and began to offer his own defence in the following fashion -

The Speech of Man in which he absolves himself from the  
charges ascribed to him.

I am panic stricken in thy sight, O Jupiter. My tongue  
cleaves to the roof of my mouth and I have forgotten my  
whole plan of defence. As I look around and notice  
how this throng of immortal gods has flown to the pro-  
tection of Earth, and how Mercury with his gift of eloquence  
has almost persuaded thy majesty not to put any trust in  
my attempt to prove my innocence which I affirm to be  
blameless and without fault, what chance have I of being  
believed, I a mere mortal trying to resist the gods above.  
What line of defence shall I adopt? My purpose is no  
to address you with words that excite admiration and  
arguments that will make my speech more brilliant than  
the truth warrants, but my aim is rather that <sup>thou</sup> mayes  
come to know that I am free from the ~~the~~ charge of  
which I have been so grievously accused, and denounced  
as a murderer in <sup>thy</sup> court. Nor would I have any  
hope of safety if false and premeditated persuasion had  
more weight with thee than the true reason that pro-  
claims its own innocence and is removed from all  
deception. But since it is self-evident and common knowledge  
that thou art the lover of truth and author of justice and  
the fountain from which all just measures have their  
source, I thought that I need not despair if I took

that line of defence which is clearer, truer, and more manifest than all others among gods and men.

To be brief however, it is clear that among the districts of the earth there is not one that is sufficient unto itself. One abounds in crops, another in wine, this one breeds an abundance of fish, while that is covered with trees and lofty mountains and sloping valleys. Beside, O most noble Jupiter, every thing has been so ordered by thee that one district may make up deficiencies in other districts that lack produce necessary to human welfare. Then again the other regions may come to the aid of this one in the matter of its needs - And there isn't a more convenient medium whereby we <sup>may</sup> make these exchanges than noble metal transformed into money. Earth, however, which takes the name of Mother of Man, and proclaims outwardly her love for him, hides and conceals this metal in her inward parts so that she seems more fitted to discharge the role of a Step-mother rather than that of a true parent. Neither Jupiter himself, nor any other god doubts that metal of all kinds exists for man's advantages. Wherefore it is necessary, O Jupiter, that we trace and track out with the greatest diligence that which thy mercy ~~has~~ bestowed upon us and which envious Earth has hidden away.

Now then what drives us mortals to this task and with what means we accomplish it, I shall explain in a few words. And in order that I may not omit to tell thee how very just and advantageous is our aim and how it leads us to a further respect for both gods and men, I shall point out to thee not only that it is not prohibited

by divine laws but that we are only following and adhering to thy counsel. Could anything be more advantageous than that one party should come to the help and assistance of another. How many provinces how many districts are there in which not a single ear of grain is grown, nor of any other food which the immortal gods granted to men for their sustenance. I would cite certain lands as examples were it not for the fact that this state of affairs is apparent everywhere on the broad expanse of the earth. And since no part of the earth ought to be untilled, we must now recover that which may be turned to our use for fear that lack of resources drive us from the earth itself and that the orb which thine ordinance instructs us to tend and protect become forever a desert. It is for this purpose that we are born.

Surely no one can feel that there is any disgrace in the fact that we have devised means and methods of accomplishing our business in good time (It is all in accordance with thine advice) But know I beseech thee, Jupiter, that shrines of thine and other temples too are adorned in various ways with all the care possible. With what pains and with what workmanship indeed while we despised those things which were obtained from the deepest veins of Earth. And we are wont to be very much stirred by the fact which Mercury brought to light a moment ago, when he said that everything was created for the sake of man and man alone. Thus the products of sea, sky and earth are for mortals, to increase our com-

fort and sustain life. Nor do we deny that there is reason in that school of Philosophers who assert that nothing was created without a purpose. That being so metals, as well as everything else, take to themselves some end, which your cleverest men exclaim to be the progress of mankind. And indeed how could we use those sacred gifts which it is considered unlawful to keep except in the form of golden or silver vessels, since it is forbidden to abuse a sacred institution or to defile any sanctuary or to remove them from their receptacle of clay while they are thus encased for any purpose. Whence it is very easily seen that gold and any other metal for that part must be sought out with great care. But at this point now, it is worth while to refute those arguments which hold that to dig for metal is as it were sacrilegious and hardly to be suffered. Thou hast heard it said that digging for metal is prompted solely by greed and a love of ostentatious display. Well, let me affirm that it is an act of kindness and that it provides the human race with the means of helping and benefiting one another. It has nothing to do with greed and "ostentatious display" ought never to have been mentioned. Mercury was in all probability led on by the persuasion of Earth to think that whatever is needed beyond daily necessities is to be classed as "outward display."

It is an act of piety to aid the poor, and it is a holy act to decorate temples and adorn the statues of the gods. Every one of outstanding intelligence ought to strengthen the State in proportion to his own gift as a man

No one can discharge these duties without a wealth of and abundance of personal property.

We do not injure the Mother, nor wound her. We harm no god, but simply fulfil our duty. We complain that Earth with a stepmother's cruelty has taken from us and hidden in her bowels that which the gods gave us. If then art mindful of thy very duty as a parent, if thou dost feel aught of a mother's pleasure toward me, why art thou so cruel and unjust that we are unable to wrench from thee except after great toil the one gift which the immortals gave to us. Do not set in our way laws either human or divine that will urge us to stop. With regard to those mountains in which metal-digging used to go on, our ancestors who merit our trust, sanctioned the practice by law. What law is transgressed especially by the pit which derives its name from the invention or by the Aesculum and the rest, or at length by the shoots with their liquids. Why, I beseech thee, dost thou think these unjust when they are confirmed and strengthened by the holiest laws? Why dost thou charge with parricide men like us who love and admire thee? Whom dost thou think so slothful and lowly and so abject in reason and intellect as not to realize that these charges have been almost all concocted by thee and far from true. Thou, Jupiter, who in all disputes art ever mindful of the just, dost clearly see whether any guile is concealed in any matter, I beg and beseech thee that thou mayest think worthily of the task which thou hast assigned to us and

at which necessity compels us to work. May it be completed in such a way that the deficiencies of one territory and district may be offset by another. And may thou in revealing thy true opinion, approve of the manner in which this work has been done and had to be done hitherto and may thou impose silence upon Earth who has just now aired complaints that are far from just. So may she realize that thou art just in all things and wise in this.

After the speeches of Man and Mercury had been heard, Jupiter advised and proclaimed that each speaker ought to observe briefly lest perchance too much time be consumed in long, involved addresses. Wherefore the speeches of Bacchus and those following which were added were very brief.

Bacchus.

Is no small matter, O highest of gods, that now drives and compels me to approach thy presence. But unbearable is the loss that I have been occasioned by mortals. And particularly that one thing in which men consider me to have been specially honoured by thee is wretchedly trampled underfoot and reduced almost to nothing. I am afraid that if I keep silent on this matter thou mayest chide me for negligence in lightly esteeming my special gift. Thou, O highest Jupiter, didst desire that I should be at the head of the mountains and especially those mountains which are rich enough to be given their first

tilling and which have been made suitable for the vine by nature. Howbeit in this day and age not only are mortals not want to cultivate vineyards, but they do not leave the mountains in their own natural strength. But each according to his ability, digs, upsets, and destroys the hardest rocks. They look for metals quarrying them from their very veins. And in almost all the mountains they fashion pits to help them in their search. In all this I speak nothing but the very truth. Indeed how misguided is the purpose and business over which men in their folly are wont to sweat. They dig a cavern, Jupiter, even in those places where I thought that I protected the mountains with my name. They discard my worship and insult me. And the rites applying to the worship of Bacchus which were set up in days of old, these men pass over in their vain practices. Could I ever experience greater wrong and injury to my honour than when my vines are uprooted and fed to the flames and the place which was reputed to be sacred to me is thrown into confusion by the digging of caves and given over to mining. Put no trust in mortals, if this man makes a bold claim that necessity is the cause. Remove the desire wherewith almost all of them are motivated and there is no necessity or progress that impels them to dig. It makes little or no difference whether the human race abounds in gold and silver or lacks them entirely for they are not at all essential. Accordingly, O highest Jupiter, stop them from rending

the ridges of the mountains asunder and harassing the vines. See to it I pray that in the near future they put an end to their foolish behaviour, and are compelled to keep the honour of the gods unsullied and unassailed.

## The Speech of the Penates

We think it only fair, Jupiter, that we should undertake the defence of him who worships and reveres us and who pays homage before the sacred altars set up in his house. The protection of the latter thou didst wish to be our special task in order that being known to men we might direct them to a knowledge of the divine. We are strongly moved to take this action of ours by the strong of deities who induced, as it were, by a single hatred have all conspired against the life of man. In order that this man, innocent though I know him to be, may not fall before the charges of Mercury and Bacchus, I beg that thou grant me as a favour permission to adopt on behalf of the defendant the style of speech that Mercury used a short time ago when he perhaps succeeded in persuading his hearers to take more notice of his polished oratory than of this man's innocence. To refute it there is need of a keener intellect than that on which mortals rely. Even if the man's defence might appear effective enough against accusers of ordinary eloquence, I am afraid it is insufficient against those who by their ability to speak can turn black into white and transform elegant things into things that are repulsive.

Howbeit I shall pass over the speech of Mercury himself and shall reply to Bacchus. The latter in this trial, Jupiter, is not afraid to make unjust assertions for honest ones, and false ones for true ones. I grant that man's work did take him into the mountains in

Search of metals - But it was in waste places and huge mountains that contain no fertile soil and produce nothing. Vines, on the contrary, grow in sunny places and localities that are blessed with abundant sunlight. The latter by its strength and heat preserves them from the cold and harmful rains.

What reason the human race had for searching and also how it was not only decency but necessity which drove them to dig, I shall explain. And we shall none the less affirm that Bacchus' motives have been base. It is clear and obvious that man is subjected to many dangers. Now he is frightened by the plots of foes, now by fire in which occasionally ~~entire~~ fortunes are in an instant partially destroyed, yes and even entirely consumed by the flames. What is more convenient when a band of enemies attacks than to possess gold or silver that can easily be hidden away and concealed, so that if fear forces us to do so we may bury it in the recesses of the earth. What more helpful to a man of foresight than to have an abundance of those things which pertain to his welfare and care in case a famine or shortage of other products brings unbearable damage. Didst thou not, great Jupiter, counsel mortals to be thoughtful and to exercise a careful mind, never allowing the course of life to come to a standstill through any fault of their own? Rather ought they to persevere in their different tasks, to which they have been born, like race horses for the track, that they may show their spirit. He does not escape unnoticed

who has a mind far sighted enough to seize upon and press after those things which he considers precious and which will enable him to attain to greater perfection. But almost all the substances in the hidden veins of metals are being taken out, treasures are being amassed which hidden in a small place are not taken off by the enemy, and not being shut up in the house they cannot be destroyed by the onslaught of fire, and, what I consider to be most worthy of mention, is the fact that when a scarceness of grain brings grief in its wake, treasures guarantee that there will be something which can satisfy the deficiencies in this district by fetching produce from distant lands. But what is more helpful, I ask thee, what more economical for the purpose of saving human resources and meeting deficiencies than money, which is made from those metals which are sought in the mountains and ferreted out at the cost of the most laborious digging and the highest skill? Why Bacchus, I beg of thee, why dost thou fight against this? Why dost thou consider unjust those things without which not even the vineyards which ~~you~~ <sup>thou</sup> sayest have been placed under ~~your~~ <sup>thy</sup> protection could be tended, since indeed the ground needs first to be prepared, and this is done by mattocks, made of iron, which is taken from the mountains and at length reduced to this use.

It excites my wonder indeed, how ~~you~~ <sup>thou</sup> couldst refer openly without shame to vineyards which mortals left to ~~your~~ <sup>thy</sup> protection on account of suspicious work

in the mountains. What vineyards are ~~there~~ pray? Where are there any abandoned vineyards? Wouldest thou not support these arguments by citing an example or two? Wilt thou not bring them to light so that when the facts are known they may either confirm these arguments, or clear this man and correct the error.

It is also clear that rarely or never is one and the same mountain suited to both metals and vines. To prove this and understand it clearly, take Mt. Nivæus. What age, what century makes mention of that mountain or any other mountain rich in metals as being devoted to vineyards too. Neither grain nor vine ever grew there. Rough winters hold it in their grasp. Rarely is there any warmth there, rarely even is a field found sown with wheat or grain. It is an obscure place covered with huge rocks and cliffs and the dens and pastures of wild beasts have only recently been cleared out of it. Nothing would <sup>than</sup> see suggesting usefulness. All work there is useless save that concerned with metals. For then seest, O best of kings, that this work cannot be termed unjust. Mortals were destined for it by laws human and divine and finally were urged to it by thine own advice, so that thy sacred worship might be embellished and that man himself might make temples and shrines and sacred altars beautiful instead of ugly and loathsome for the purpose of arousing all pious men to religion.

Jupiter, bid Bacchus and the rest to desist from their  
silly complaint. I tell thee to do this so that thy statue  
and those of all the gods may be decorated by the  
finest, gold, silver and precious Stones and that thou  
mayest clearly perceive with what zeal mortals worship  
thy Divinity.

Behold too with what deceit, with what guile,  
with what trickery Bacchus is inflamed against man.  
Bid him at last to rest from all these complaints  
and grant that in this work of his that keeps the  
whole world beautiful and flourishing man may not  
meet with any hindrance or obstacle, and grant too  
that he may always know that he is safe and secure  
because of thy protection.

---

If thou removest the rewards, who will practise virtue. Now what rewards entice more powerfully than money for it is made from the finest metals and can purchase everything that the human race lacks. Further a remark now comes to mind quoted from certain high philosophers to the effect that a man cannot find freedom for philosophy if he is poor. Who indeed is poor, according to that system? Obviously he who lacks money and has no personal property. This man can nowhere find ~~free~~ a teacher, nowhere a gymnasium. He is accounted cheap, and is not even admitted to anything, much less does he excite admiration. Wherefore it is not difficult to realize that the persuasive speech of Ceres was in reality an empty one when she affirmed that there is no benefit, no usefulness, no advantage in metals. What cures leprosy, man's most grievous disease, if not gold? What else cures all illness? What enjoys the name of universal cure, except gold in molten form. But when these things are known far and wide, I shall put an end to my speech. Do thou, Jupiter, to whom all things are revealed and known turn a deaf ear to these empty words of Ceres, with which she tries to fill thine ears and persuade thee falsely. Protect the human race, protect it. I say that man may comply with thine advice and protect the world by his labours. This would be possible, great god.

only when thou preventest Ceres and man's other enemies  
from injuring him and impeding him and hindering him  
by their insolence. Then indeed will he admit that thy  
favour and thine influence last for time eternal.

Pluto:

Although I am unaccustomed to ascend among the  
living and behold the light of day, I was smitten with  
such fear that I felt compelled to do so. For mortals  
try to dig among the inner hollows of the mountain  
in such a way that the blows sound among the gods  
below and send forth their sound like thunder. Accordingly  
I can hardly live in my own kingdom in safety.  
I beg and pray and beseech thee, Jupiter, to be  
willing to put a stop to the violence and insolence of  
man.

Homo:

If things given for the light of day had been by  
chance hidden by thee or held by hidden schemes, I  
should indeed now extend the thread of speech. But  
falsehoods are seen through, no matter who weaves them.  
I shall without doubt remove the strength of thy  
speech. Thou dost realize, most powerful of kings,  
how no one ever desired to descend from mortals to  
the creatures below.

enemies  
in him  
thy

Nais.

Although, O greatest of gods, thou didst bestow the virtues of waters upon the fountains for the special reason that men when tired might find refreshment in them, that those who washed at the Horses Fount (Hippocrate) might drink in poetic inspiration and that even the eyes might be refreshed in them, now indeed they are so upset by mortals that they not only lack their former strength, but what is most grievous indeed, they do not even ~~apply~~ appear at all. This is the result of the insolence of men who toil to dig beneath every mountain. Jupiles, save thee, I have no one whom I may consult in these matters.

Homo.

Even the cleverest among you would be seized with the greatest wonder perhaps, and consider it strange if I were to tell you that any one who works in the mountains in search of metals abhors and hates nothing so much as fountains of water. Therefore to come briefly to my answer, on the charge of disturbing the fountains I am undeservedly accused and do not merit punishment on that score.

Charon:

I convey the souls of the dead over the river Acheron when they leave this mortal sphere, and I have very little knowledge of how they act and live in the world, although almost the entire mortal race has come down to me in the greatest grief, as even Mercury himself knows well enough from his official duty. But the river has been greatly diminished as a result of the same mining and evil work which is prompted by an unnecessary and stupid interest on man's part. It will bring poverty to Pluto's realm and the special privilege which I have hitherto enjoyed lacks its wonted vigour. But if thou, Jupiter, were to see how long the boats have remained still, no outward show of piety, no pretended dignity in the accused would keep thee from wrath.

The Fauns:

There is a certain class of men who bear a name that is derived from the word, "charcoal". It is indeed far from easy to tell of the great damage they have done to the sacred groves, the muses, and the other deities of both sexes that dwell in these woods. They have destroyed trees, oaks and spreading planes by setting fire to them and converting them into charcoal, in order that those who refine metal, may be able to fulfil their desires. Whence thou wilt realize than one evil which first occurs by itself, generally <sup>brings with it</sup> ~~involves~~ other evils. This thou wilt realize more fully indeed when thou lookest

at the the dangerous attempt of mortals to dig for silver. This pestilence is gradually creeping over the whole world and is corrupting the finest men with its abhorrent evils. Thou who turnest the hinges of the heavens, and issuest instructions to all nature and didst lay low the giants with thy thunder-bolt - restrain those whose zeal is so perverted and by thy power protect thyself and us thy subjects.

Homo

This is a very serious complaint that has been brought to thine ears with regard to the Charcoal burners. They are kind men of great self-control and have been wrongly accused. Without their work, Jupiter, it is clear that no State or union of men could endure and remain strong. If Charcoal burners were to be deprived of their work, then no cities could be founded, and no temples, houses or places of shelter built. All intercourse between mortals would die out, and we should spend our days in the groves like dumb animals. But since thou didst urge us to inhabit the entire circumference of the earth, no doubt thou wilt realize that our work is most just and fair.

When Earth and those who came to her aid had thus complained at wondrous length, and then Man and the Penates on his behalf, Jupiter himself held his ground and was very much amazed, but in order that he might not appear to lean to either side, he set down an account of the

lawsuit in a letter which he sent to Fortune, with instructions to bring back to him her just and worthy decision. Jupiter's letter read as follows:

Letter sent by Jupiter to Fortune.

Jupiter, strong in imperial might, rich in wisdom, dwelling in the heights of heaven, sends warmest greetings to Fortune, the queen of mortals. Complaints have been made in our hearing by Earth, Bacchus, Ceres, Nais, Pallas, Pluto, Charon, and the Fauns, concerning a dangerous and idle work which afflicts them with unworthy and unbearable distress. On first hearing their complaints we almost agreed, and were for condemning Man as having acted unjustly, if he gave any indication that he had acted so merely for the sake of outside show. After we heard the other side and the wonderful and almost incredible speech which Man made in his defence we could not easily be persuaded to condemn him even after ~~the~~ the eloquent accusation of glib-tongued Mercury. Nor could we allow the explanation of the very eloquent Penates to win him an acquittal. Therefore we have passed this affair on to <sup>the</sup> unaltered. The whole dispute arose over mining <sup>in</sup> which Man engaged rather eagerly. Earth complains that this practice caused her to be grievously wounded. The vine groves of Bacchus have been seriously impaired, Ceres' crops in the fields, Nais'

fontains, Bharon's Acheron, Pallas' wisdom and the  
Fauns' woods indeed have all been brought to naught and  
ruined. Even Pluto is by no means secure in his King-  
dom. Man, however, in his defence claims that he  
is doing all this so that mortals may cultivate the  
earth and carry out our commands. Thou who canst  
not be deceived by any falsehood take upon thee this  
public dispute. And let it be thy care to form an  
opinion that is worthy of both gods and men, and to  
send it on to us. In all this matter, be assured of  
our great affection toward thee. Farewell.

Having read this letter Fortune hastens to send her  
opinion to Jove in the following words.

Giver of power, commander of gods, Jupiter who dwellest  
in the highest heavens, Fortune, Queen of men. Sends  
warmest greetings to thee. I have read thine instructions  
O richest and best of all kings, and I shall now eagerly  
fulfil even what thou commandest in thy letter.

What thou dost write concerning their labour surprises  
me not at all. For such is their condition by nature,  
that if they knew they must perish in the evening, thou  
wouldst observe their mind to be elated even in the  
morning. But their eloquence they derive from me when  
they use it in such abundance in that boldness. But to  
be brief, my opinion, O Highest, is this. Men ought to  
mine and dig in mountains, to tend the fields, to engage

in Trade, to injure the Earth, & throw away knowledge,  
to disturb Pluto and finally to search for veins of metal  
in the sources of rivers, their bodies ought to be  
swallowed up by the earth, suffocated by its vapours  
and intoxicated by wine, and afflicted with hunger and  
remain ignorant of what is best. These and many other  
dangers are proper for men. Farewell.

This letter was sent to Japiter. After it was read,  
Jupiter declared her opinion to be most just to both  
gods and men.

This the hermit saw, and after he reached the road  
he ascended the mountain, soon saw his own hut  
and returned to it.

The End